

Introduced by Senator SherFebruary 20, 2004

An act to add Chapter 8 (commencing with Section 119400) to Part 15 of Division 104 of the Health and Safety Code, relating to pharmaceutical marketing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1765, as introduced, Sher. Pharmaceuticals: marketing practices.

The existing Sherman Food, Drug, and Cosmetic Law regulates the packaging, labeling, and advertising of drugs and devices.

This bill would prohibit a pharmaceutical or drug manufacturer from giving gifts to medical or health professionals, with exceptions for drug samples, educational materials, low-cost items primarily associated with a health care professional's practice, and up to 4 meals per year, valued at \$15 or less, where the drug company representative is present at the meal and information about health products is discussed.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 8 (commencing with Section 119400)
- 2 is added to Part 15 of Division 104 of the Health and Safety Code,
- 3 to read:
- 4



1 CHAPTER 8. DRUG MARKETING PRACTICES

2 119400. (a) Pharmaceutical and drug manufacturers may not
3 give gifts to medical or health professionals, except for the
4 following:

5 (1) Professional samples of a drug intended for free
6 distribution to patients.

7 (2) Educational materials.

8 (3) Items primarily associated with a health care professional's
9 practice, including, but not limited to, pens, pads, and tissue boxes,
10 as long as the value of each item does not exceed five dollars (\$5).

11 (4) Up to four meals per year, valued at no more than fifteen
12 dollars (\$15) each, where a drug company representative is present
13 at the meal and information about health products is discussed.

14 (b) Payments made for legitimate professional services
15 provided by a health care or medical professional, including, but
16 not limited to, consulting, are not considered gifts for purposes of
17 this chapter.

